

REMARKS

The Official Action mailed February 9, 2006, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on September 22, 2003; January 4, 2005; February 24, 2005; August 22, 2005; and December 12, 2005.

Claims 1-14 and 16-22 were pending in the present application prior to the above amendment. Claims 1-9, 16 and 17 have been amended to better recite the features of the present invention, and new dependent claim 23 have been added to recite additional protection to which the Applicant is entitled. Accordingly, claims 1-14 and 16-23 are now pending in the present application, of which claims 1-8 and 16 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

In general, the basic concept of the present invention resides in the use of a light-absorbing layer. In accordance with one embodiment of the present invention, the light-absorbing layer has an island-shape and completely covers a semiconductor layer in order to heat the semiconductor layer with a higher reliability (see, e.g., paragraph [0035] of the verified English translation of the present application). Also, in accordance with another embodiment of the present invention, the light-absorbing film is patterned after the heat treatment, which may be for forming a gate electrode, for example.

The Official Action rejects claims 1, 3 and 5-7 as anticipated by U.S. Patent No. 6,599,818 to Dairiki. The Applicant respectfully submits that an anticipation rejection cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a

single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Independent claims 1-8 and 16 have been amended to recite a patterning step after a heat treatment. The Applicant respectfully submits that Dairiki does not teach the above-referenced features of the present invention, either explicitly or inherently.

Also, claims 5, 7 and 8 already recite forming a light-absorbing layer that overlaps with a whole surface of the semiconductor layer, claim 6 already recites forming a light-absorbing layer that covers the top face and the side face of a semiconductor layer and whose end portions are arranged outside of the semiconductor layer, and claim 16 already recites providing an object to be heated that is arranged inside of a light-absorbing layer between a glass substrate and the light-absorbing layer. The Official Action asserts that Dairiki teaches that "the light-absorbing layer covers the top face and the side face of the semiconductor layer and whose end portions are arranged outside of the semiconductor layer, forming a gate electrode 611a-614a (Fig. 10C)" (page 3, Paper No. 20060206). However, despite the Examiner's assertion, Dairiki (including Figure 10C) does not actually teach forming a light-absorbing layer that overlaps with a whole surface of the semiconductor layer; forming a light-absorbing layer that covers the top face and the side face of a semiconductor layer and whose end portions are arranged outside of the semiconductor layer; or providing an object to be heated that is arranged inside of a light-absorbing layer between a glass substrate and the light-absorbing layer, either explicitly or inherently.

Since Dairiki does not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are in order and respectfully requested.

The Official Action rejects claims 2, 4, 8-14, 16-22 as obvious based on the combination of Dairiki. The Applicant respectfully submits that a *prima facie* case of

obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. As noted above, independent claims 1-8 and 16 have been amended to recite a patterning step after a heat treatment. The Applicant respectfully submits that Dairiki does not teach or suggest the above-referenced features of the present invention.

Also, with respect to claims 5-8 and 16, Dairiki does not teach or suggest forming a light-absorbing layer that overlaps with a whole surface of the semiconductor layer; forming a light-absorbing layer that covers the top face and the side face of a semiconductor layer and whose end portions are arranged outside of the semiconductor

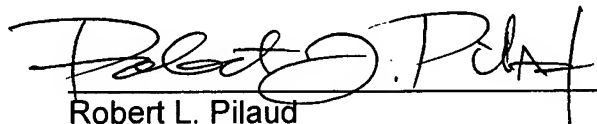
layer; or providing an object to be heated that is arranged inside of a light-absorbing layer between a glass substrate and the light-absorbing layer.

Since Dairiki does not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

New dependent claim 23 has been added to recite additional protection to which the Applicant is entitled. Claim 23 recites that an island-like light-absorbing layer is formed so as to completely cover a semiconductor layer, which is advantageous, for example, in order to heat the semiconductor layer with a higher reliability as described at paragraph [0035] of the verified English translation of the present application. For the reasons noted above, Dairiki does not teach or suggest the above-referenced features of the present claims. Therefore, the Applicant respectfully submits that new claim 23 is in condition for allowance.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert L. Pilaud", written over a horizontal line.

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